

UNITED STATES DISTRICT COURT

for the

Southern District of Georgia
Savannah Division

United States of America

v.

Derrell Gaulden

Date of Previous Judgment: July 21, 1999

(Use Date of Last Amended Judgment if Applicable)

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)

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Case No: CR499-00001-002

USM No: 09984-021

William Cox

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months is reduced to _____.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 38
Criminal History Category: II
Previous Guideline Range: 262 to 327 months
plus 60 months

Amended Offense Level: 36
Criminal History Category: II
Amended Guideline Range: 210 to 262 months
plus 60 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
☐ Other (explain):

III. ADDITIONAL COMMENTS

The Court has considered the factors set forth at 18 U.S.C. § 3553(a). These factors were considered by the Court at sentencing and, based on many aggravating factors, the Court sentenced the defendant to the top end of the guideline range. The defendant's motion is denied based on the substantial quantity of crack cocaine involved in this case as well as the danger the defendant presents to the community as evidenced by the repeated acts of violence and threatened violence committed by the defendant and his brother.

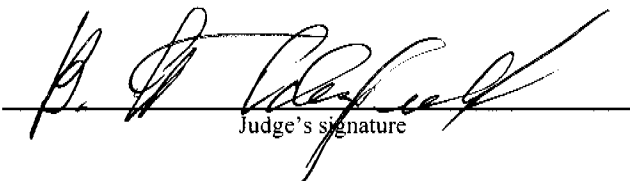
Except as provided above, all provisions of the judgment dated _____ shall remain in effect.

IT IS SO ORDERED.

Order Date: 9-9-2008

Effective Date:

(if different from order date)


Judge's signature

B. Avant Edenfield
United States District Judge
For the Southern District of Georgia
Printed name and title